

**Government Performance and Results Act
Annual Report to the President and
Congress—Fiscal Year 2009**



National Council on Disability

March 23, 2010

National Council on Disability

1331 F Street, NW, Suite 850
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Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2009

This report is also available in alternative formats and on NCD's Web site at <http://www.ncd.gov>.

Publication date: March 23, 2010

202-272-2004 Voice
202-272-2074 TTY
202-272-2022 Fax

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In accordance with 31 USC Sec. 1116 (f), this program performance document was prepared solely by federal employees.

**NATIONAL COUNCIL ON DISABILITY**

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

Letter of Transmittal

March 23, 2010

The President
The White House
Washington, DC 20500

Dear Mr. President:

The National Council on Disability (NCD) is pleased to submit its *Government Performance and Results Act Annual Report to the President and Congress—Fiscal Year 2009*, as required by the Government Performance and Results Act (31 U.S.C. Sec. 1116).

NCD is an independent federal agency, composed of 15 members appointed by the President and confirmed by the U.S. Senate. The purpose of the NCD is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

With an authorized budget of \$3,205,937, NCD carried out this mandate by receiving public and stakeholder input including that received at our public meetings held around the country; review and evaluate federal programs and legislation; and provide the President, Congress and governmental agencies with advice and recommendations.

As a public policy agency, NCD is pleased to inform you that the findings of this report show a positive link between the allocated resources and NCD's performance. NCD's assessment review showed that it was successful in meeting its goals and objectives and achieving its intended results. NCD has applied taxpayer resources efficiently in a manner that maximizes the effectiveness of Government programs in serving the American people.

NCD's FY 2009 activities promoted the full participation of people with disabilities in all areas of society by addressing many areas including educational opportunities needed to succeed, discrimination and promotion of equal opportunity, the employment rate of people with disabilities, and independent, community-based living.

Through its implementation of the FY2009 goals and objectives, NCD showed general improvement in its efforts to have a measurable and positive impact on the lives of people with disabilities and their families all over the world. Today, there are more than 50 million Americans with disabilities, 20 percent of the U.S. population. About half of these individuals have a severe disability, affecting their ability to see, hear, walk, or perform other basic functions of life.

With your support, NCD will continue to be a leader in the disability policy arena, making recommendations that enhance the quality of life for all Americans with disabilities and their families.

Sincerely,

A handwritten signature in cursive script that reads "Linda Wetters". The ink is dark and the signature is fluid.

Linda Wetters
Chairperson

(The same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the Director of the Office of Management and Budget.)

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Executive Summary

Background

The National Council on Disability (NCD) is an independent federal agency composed of 15 members appointed by the President, by and with the advice and consent of the Senate. NCD provides advice to the President, Congress, and executive branch agencies to promote policies, programs, practices, and procedures that—

- (A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and
- (B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Agency History

NCD was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide expert advice to Congress and the Administration. Changes were also made to NCD's statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998 and the Education of the Deaf Act Technical Amendments of 1993.

Consumers Served and Current Activities

While many government agencies deal with issues and programs affecting people with disabilities, NCD is unique in that it is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. NCD recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by ensuring an informed and coordinated approach to addressing the concerns of people with disabilities and eliminating barriers to their active participation in community and family life.

NCD is also proud to have played a pivotal role in the adoption of the ADA in 1990. Since that time, NCD has been a valuable contributor in promoting successful disability policies in many areas, including education, transportation, emergency preparedness, international disability rights, employment, foster youth with disabilities, vocational rehabilitation, livable communities, and crime victims with disabilities to name a few. All of NCD's policy recommendations can be found in our Newsroom under Publications (http://www.ncd.gov/newsroom/publications/index_subject.htm).

In its 1986 report, *Toward Independence*, NCD first proposed that Congress should enact a civil rights law for people with disabilities.

In 1990, the Americans with Disabilities Act (ADA) was signed into law by President George H. W. Bush. Since that time, the ADA has been instrumental in guaranteeing equal opportunity for people with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. In 1992, Congress modified NCD's authorizing legislation, Title IV of the Rehabilitation Act of 1973, giving NCD a monitoring role in the enforcement, implementation, and effectiveness of the ADA.

In FY 2009, NCD continued its review and evaluation of new and emerging policy issues, programs, and legislation that affect people with disabilities. NCD continued to identify the overall needs and concerns of people with disabilities by conducting forums, and participating in conferences throughout the country, and by responding to thousands of telephone, e-mail, and written inquiries on the ADA and other disability civil rights issues.

Goals and Objectives

NCD developed six major performance goals with objectives for FY2009. For each goal, NCD's performance objectives and results are presented in the body of this report. Aligned with agency duties set forth in the authorizing statute, the six goals were as follows:

Goal 1: Increase Levels of Public Participation and Outreach

Goal 2: Advise the President and Congress about Issues of Importance to the Disability Community through an Annual Progress Report.

Goal 3: Review Programs, Practices and Policies of Other Federal Agencies and Provide Recommendations for Improvement.

Goal 4: Respond to the Needs and Priorities Identified by the Public by Completing Comprehensive Research Reports on Issues of Concern

Goal 5: Continue to Be Responsible Stewards of Funding Committed to the Support of NCD and Its Activities.

Goal 6: Continue to Work with the Federal emergency Management agency (FEMA) and Others Responsible for Enhancing the Safety and Security of the Nation's Disability Community As Mandated by the Post Katrina Emergency Management Act.

Major Activities

Major activities pertaining to the performance goals and objectives for FY 2009 included conducting policy studies and publishing six reports and papers. Public policy findings and recommendations to the President, Congress and federal agencies are provided with the document as follows:

- *The Rehabilitation Act: Outcomes for Transition-Age Youth* (October 2008)
- *Invisible Wounds: Serving Service Members and Veterans with PTSD and TBI* (March 2009)
- *Federal Employment of People with Disabilities* (March 2009)
- *National Disability Policy: A Progress Report* (March 2009)
- *Effective Emergency Management: Making Improvements for Communities and People with Disabilities* (August 2009)
- *The Current State of Health Care for People with Disabilities* (September 2009)

In addition, NCD's Web site received approximately eight million hits in FY 2009, with more than 800,000 reports being downloaded from the NCD site. This represents an enormous savings to the taxpayer in lower printing costs, postage, handling, and storage.

NCD's FY 2009 activities were designed to promote the full participation of people with disabilities in all areas of society.

NCD Authorizing Statute

TITLE IV, REHABILITATION ACT OF 1973, AS AMENDED—NATIONAL COUNCIL ON DISABILITY

Establishment of National Council on Disability

Sec. 400. (a)(1)(A) There is established within the Federal Government a National Council on Disability (hereinafter in this title referred to as the “National Council”), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate.

(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

(i) organizations representing a broad range of individuals with disabilities; and

(ii) organizations interested in individuals with disabilities.

(C) The members of the National Council shall be individuals with disabilities, parents or guardians of individuals with disabilities, or other individuals who have substantial knowledge or experience relating to disability policy or programs. The members of the National Council shall be appointed so as to be representative of individuals with disabilities, national organizations concerned with individuals with disabilities, providers and administrators of services to individuals with disabilities, individuals engaged in conducting medical or scientific research relating to individuals with disabilities, business concerns, and labor organizations. A majority of the members of the National Council shall be individuals with disabilities. The members of the National Council shall be broadly representative of minority and other individuals and groups.

(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

(b)(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities

Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(2)(A) No member of the National Council may serve more than two consecutive full terms beginning on the date of commencement of the first full term on the Council. Members may serve after the expiration of their terms until their successors have taken office.

(B) As used in this paragraph, the term “full term” means a term of 3 years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.

(c) The President shall designate the Chairperson from among the members appointed to the National Council. The National Council shall meet at the call of the Chairperson, but not less often than four times each year.

(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

Duties of National Council

Sec. 401. (a) The National Council shall—

(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;

(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under this Act;

(4) provide advice regarding priorities for the activities of the Interagency Disability Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;

(5) review and evaluate on a continuing basis—

(A) policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act of 2000; and

(B) all statutes and regulations pertaining to federal programs which assist such individuals with disabilities; in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;

(6) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);

(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies or other Federal entities, respecting ways to better promote the policies set forth in section 400(a)(2);

(9) provide to the Congress on a continuing basis advice, recommendations, legislative proposals, and any additional information that the National Council or the Congress deems appropriate; and

(10) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the federal, state, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.

(b)(1) Not later than October 31, 1998, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled *National Disability Policy: A Progress Report*.

(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting the lives of individuals with disabilities. The report shall present, as appropriate, available

data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the National Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.

Compensation of National Council Members

Sec. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the National Council.

(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

(c) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

Staff of National Council

Sec. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without regard to the provisions of title 5, United States Code, governing appointments, the provisions of chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates), an Executive Director to assist the National Council to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

(2) The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties.

(b)(1) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code).

(2) The National Council may—

(A) Accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(B) In the name of the Council, solicit, accept, employ, and dispose of, in furtherance of this Act, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

(C) Enter into contracts and cooperative agreements with federal and state agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

(d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts made available under subsection (a)(2)(B) as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale or redemption of, the obligations described in paragraph (1) shall be available to the National Council to carry out this title.

Administrative Powers of National Council

Sec. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.

Authorization of Appropriations

Sec. 405.

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1999 through 2003.

Strategic Plan

Vision

The United States of America will be a stronger country when its 54 million citizens with disabilities are fully integrated into all aspects of American life. The United States has made significant progress in recent years in furthering opportunities for education, employment and independent living for people with disabilities through a broad range of programs that protect the rights of individuals with disabilities from discrimination in education, employment, housing and transportation. Yet significant barriers to achieving the goals of independence, inclusion and empowerment for all persons with disabilities still remain. Conflicting, poorly designed, or outdated government programs and policies combine with service gaps and continued negative attitudes toward people with disabilities to marginalize the 54 million Americans with disabilities.

The effects of these barriers on both people with disabilities and society are enormous. Physical and spiritual isolation rob individuals of energy, creativity and productivity. Society loses by not enjoying the benefits of their talents and by incurring large costs to support them.

Through collaboration with its stakeholders, the National Council on Disability (NCD) will pursue a focused agenda that will promote government programs and policies in support of full inclusion of all people with disabilities into the educational, economic and social fabric of the American community. NCD will use the expertise of its diverse membership and well-trained and well-managed staff to identify barriers to inclusion and independence and to develop solutions. NCD will listen to people with disabilities across the country to identify emerging issues that need a response.

As the only agency in the Federal Government that addresses the issues of all people with disabilities, regardless of type or severity, NCD will be aggressive and resolute until the day arrives when people with disabilities in every corner of the land no longer are distinguished by a disability label, but are known as students, workers, parents, neighbors and friends.

Mission Statement

NCD's mission is to promote the full inclusion, independent living and economic self-sufficiency of people with disabilities of all ages and backgrounds by providing advice, analysis, and recommendations on disability policy to the President, Congress, and other federal entities.

Performance Goals, Objectives, and Results

Following are the goals NCD established for Fiscal Year 2009, followed by a summary of the results we attained:

Goal 1: Increase Levels of Public Participation and Outreach

NCD is a deliberative body, providing advice, guidance and counsel to the President, Congress and federal agencies. Some of our most important activities occur during quarterly meetings held in various cities. Activities include receiving public comment, hearing local presenters on issues of concern in their community or region and meeting stakeholders in the disability community who assist with identifying best practices and needs. NCD's authorizing legislation mandates a minimum of four public meetings annually and entitles the payment of compensation and allows travel expense to members when they are engaged in the performance of their duties as members of the Council. To accomplish that mandate, during FY 2009, the Council met in Kansas City, MO, Scottsdale, AZ, Washington, DC, and Minneapolis, MN.

Objective G1(a): To provide opportunities for increased public input during agency meetings and electronic comment periods While NCD set a goal for a 30 percent increase in participation and comments received at public meetings, input remained virtually at the same levels as FY 2008, which was still an increase of more than 70 percent over FY 2007. During the year, NCD held one public consultation that was advertised on our Web site and designed to gather specific information to help guide the drafting of our annual progress report, which is in development to be released to the president and Congress early in 2010. The public consultation for the progress report (about any issue of concern) resulted in over 400 comments which are under review by the NCD committee members, staff and the contractors responsible for drafting this report.

Objective G1 (b): To expand agency publicity about events and public input opportunities.

NCD also seeks to maximize the use of electronic communications in order to advise the public about Council meetings and other activities, and to solicit information from the disability community about issues of concern in their daily lives. For a small agency, with only 12 FTEs, NCD sends and receives a more than 300,000 large volume of electronic mail messages. During Fiscal Year 2009, NCD expanded its outreach to more of the public in every part of the United States and obtain much-needed feedback by broadening publicity, conducting quarterly meetings, and seeking public comment at each meeting.

The NCD Web site (www.ncd.gov) receives eight million successful "hits" per year, a sizeable figure for such a small agency. Even more substantial is the number of reports

and papers that are downloaded each year. During FY 2009, 800,744 reports and papers were downloaded from our Web site, which is an increase of 81,273 downloads over last year. This produces a savings to the taxpayer of literally thousands of dollars in printing, handling and mailing costs. In addition, based on FY2009 figures the NCD listserv now has more than 2,500 subscribers, which is an increase of 25 percent from FY2 0008. Many of those subscribers share NCD messages, news advisories and news releases with their own listservs, exponentially increasing NCD's public outreach.

Objective G1(c): To make greater use of print media to raise public awareness about agency efforts, and to disseminate publications.

Domestic news coverage of NCD issues and the reports it releases to the president and Congress are also common. NCD utilizes US Newswire and PR Newswire to distribute its news releases and news advisories to major media markets in Washington, DC, and throughout the country. As a result, NCD news items are distributed to every member of Congress and 3,600 of the world's most widely accessed Web sites, databases and online services, including AOL, Google and Yahoo. Readership is in the millions.

NCD's monthly newsletter, *NCD Bulletin*, provides readers with an update on NCD's current and future activities and other disability-related items of interest. The newsletter is published 12 times a year and reaches millions of readers when it's published on the NCD listserv, US Newswire and PR Newswire, utilizing the same distribution as NCD news releases and news advisories.

Goal 2: Advise the President and Congress about Issues of Importance to the Disability Community through an Annual Progress Report.

Objective G2: To gather data for completion of the required annual report in a timely manner.

NCD released its progress report to the president and Congress in 2009, based on research completed during the preceding year. That report highlighted issues of importance to people with disabilities, and catalogued several positive changes in policy and programs that benefited the disability community nationwide. The progress report delivery was followed by meetings with executive managers of the federal agencies responsible for the programs discussed in the report.

Staff and contractors are completing the FY 2009 progress report at this time, with its publication and release set for later this year. In order to assure that the public's concerns are addressed in the progress report, NCD held a public consultation that resulted in over 400 electronic messages being received by the agency from people with disabilities nationwide.

Goal 3: Review Programs, Practices and Policies of Other Federal Agencies and Provide Recommendations for Improvement.

Objective G3 (a): To share lessons learned with international states seeking information about U.S. disability rights policies and laws.

While NCD is not a formal monitoring or control agency, the authorizing statute mandates periodic review of programs and services delivered or administered by other federal agencies assure that they meet the needs of the community and comply with their congressional mandates. During 2009, NCD published reports about services delivered by the Department of Education, Department of Defense, Department of Health and Human Services, Department of Homeland Security, the Office of Personnel Management, the Department of Veterans Affairs, and others. During the preparation of these reports, agency staff and a variety of stakeholders were consulted or interviewed to provide the most up-to-date information to the consultants working on the reports.

This past year, NCD provided technical assistance and outreach to 15 different foreign delegations. NCD met in Washington, DC with representatives of Ireland; Russia; Vietnam; South Korea; India; Bhutan; Afghanistan; Jordan; Morocco; Bahrain; Lebanon; Oman; Syria; China, and Zambia.

Objective G3 (b): To establish new federal partners or build upon existing collaborations. After the reports were published, NCD members and staff met with the appropriate other agency leaders and/or senior managers to determine to determine what follow-up activities were planned to correct any identified deficiencies, or to improve the programs to the benefit of the people with disabilities they serve. NCD also meets regularly with federal agency partners in an ongoing effort to determine what follow-up actions were taken as a result of prior NCD report recommendations, and to identify challenges in administering the programs that may require additional NCD research or policy recommendations. For example, NCD has FY 2010 research reports underway that are evaluating programs provided by the Departments of Housing and Urban Development, State, the United States Agency for International Development, Education, Homeland Security, Veterans Affairs, Defense, and Health And Human Services. The annual NCD progress report evaluates services provided to people with disabilities by all federal agencies.

Goal 4: Respond to the Needs and Priorities Identified by the Public by Completing Comprehensive Research Reports on Issues of Concern.

Objective G4 (a): To solicit and compile public input about disability matters NCD gathers information from the public through a number of means: public testimony at NCD quarterly meetings either in person or on toll-free phone lines, electronic mail

received on the NCD Web site; letters of concern from members of the public; and formal public consultations in order to provide advice on reports underway at the agency. Other NCD information gathering activities include information gathered by contractors preparing NCD research reports, interaction between NCD Council members and staff at external conferences, meetings of stakeholder groups, and during sessions at which NCD is releasing its research reports.

Objective G4 (b): To utilize the public input in NCD publications.

For a small agency with a modest budget, NCD commissions and participates in the preparation of a number of policy and research reports each year. The information gathered during the preparation of these reports and during NCD's periodic meetings also is used by the Council to develop policy recommendations that are shared with Congress and the President through the annual NCD progress report or as needed during discussions about pending legislation. All publications are available on the NCD Website.

During FY 2009, NCD completed and released reports on the following subjects:

- *The Rehabilitation Act: Outcomes for Transition-Age Youth* (October 2008)
- *Invisible Wounds: Serving Service Members and Veterans with PTSD and TBI* (March 2009)
- *Federal Employment of People with Disabilities* (March 2009)
- *National Disability Policy: A Progress Report* (March 2009)
- *Effective Emergency Management: Making Improvements for Communities and People with Disabilities* (August 2009)
- *The Current State of Health Care for People with Disabilities* (September 2009)

In FY 2009 NCD commissioned 10 policy briefs or white papers on subjects of concern to people with disabilities to be used as tracks of discussion for a 2010 National Summit on Disability Policy in Washington, DC. That summit is a top priority for NCD and will include up approximately 300 leaders and consumers from the disability community nationwide who will meet in the nation's capital at the time of the 20th anniversary of the Americans with Disabilities Act. The summit's primary purpose is to recap significant events and achievements from the past 20 years and develop policy recommendations that will enable the United States to maintain a leadership role in the provision of policies, practices and services that benefit all people with disabilities.

Objective G4(c): To demonstrate agency impact and product value through external use.

The NCD policy and research reports and activities are valuable for advising federal policy and decision making only to the extent that they are used by Congress and applicable agencies to bring about positive change or modify existing programs to

benefit the people they are supposed to serve. Examples of quality research by NCD used to develop and implement policies of benefit to people with disabilities, span decades including the initial Americans with Disabilities Act enactment, through and including the recently passed ADA Amendments Act. In early FY2009, the US Senate Special Committee on Aging report, *Recognition of Excellence in Aging Research* named NCD as an award winner (http://www.aging.senate.gov/award/award_main.cfm).

Goal 5: Continue to Be Responsible Stewards of Funding Committed to the Support of NCD and Its Activities.

Objective G5 (a): To balance expenditures while conducting agency duties NCD understands that maintaining low levels of costs helps ensure that the agency's mission mandates are met. For this reason, the Executive Director works with other staff and members of the Council to assure that all controllable costs are minimized and that the agency makes the most effective use of its modest budget and staff.

To help accomplish this task, during FY 2009, the following cost reductions were realized:

1. Vacant General Counsel/Director of Policy and Financial Manager positions were downgraded to administrative support and policy positions at lower grade levels and salaries.
2. NCD continued it's contracting with GSA for legal and financial management/support services at a cost savings compared to providing these services with FTE staff as occurred from agency establishment through FY 2006.

Objective G5 (b): To seek new cost savings to support agency work NCD continues to realize additional savings from new operational efficiency efforts; Council members and staff continually test the viability of additional changes to accomplish the agency's important mission at a reduced cost. For FY 2009, NCD continued its practice of Website posting of publications in lieu of mailing reports to the majority of its stakeholders as a cost-saving measure. NCD continued to use the rules of the House and Senate mail rooms to have agency publications distributed to each member of Congress free-of-charge on the same day the documents are published. NCD estimates a cost saving in postage alone of approximately \$1,500 per report. Printing costs for FY 2009 were reduced more than 50 percent.

Objective G5(c): To operate within the appropriated budget Despite operating on essentially a flat budget since FY2004, NCD has finished each year within budget and presented an impressive list of accomplishments. The current economy has led to increased expenses for air travel, hotel and meeting facilities, member and staff salaries and benefits, and office rent.

While NCD is a small agency, its mission requires the ability to gather timely and relevant information regarding disability needs and concerns to produce reports, with federal recommendations. As such, NCD has few opportunities to realize a significant reduction in the cost of supporting its agency's mission. Since FY 2007, NCD has held open some vacant positions longer than anticipated, in order to continue funding the research that justifies policy positions established by the Council and to assure that Council members are able to travel to meetings and conferences. The Executive Director has been charged with identifying potential savings in a variety of support services that NCD receives from other agencies, which is an ongoing effort.

Goal 6: Continue to Work with the Federal Emergency Management Agency (FEMA) and Others Responsible for Enhancing the Safety and Security of the Nation's Disability Community As Mandated by the Post-Katrina Emergency Management Reform Act.

Objective G6 (a): To raise public awareness about emergency management needs and issues affecting people with disabilities.

The Congressional mandate and fiscal support received by NCD have made it possible to call a heightened level of attention to the needs of the disability community in emergencies of any type. Using the funding provided by Congress, NCD has held a hearing in New Orleans, Louisiana following hurricanes Katrina and Rita, and commissioned a report to review the current response to major emergencies by federal, state and local entities and the impact responses have had on people with disabilities.

Objective G6 (b): To work in collaboration/partnership with FEMA/DHS staff. During the past year, the NCD Chairperson, staff, and NCD Homeland Security Committee members met several times with staff of the Federal Emergency Management Agency and their DHS Civil Rights and Civil Liberties counterparts.

FEMA staff members are invited to participate in all NCD quarterly meetings. FEMA staff members also periodically attend and/or make presentations at NCD meetings, including FEMA regional staff when NCD meets outside of Washington, DC.

Objective G6(c): To provide fiscal support participation in targeted emergency management. NCD has supported the travel and participation of NCD members to make presentations at or attend emergency management conferences, and provided input to major documents published by FEMA. Additionally, each quarterly NCD meeting includes presentations by local or regional emergency response personnel, as well as people from the disability community within that area, to discuss their knowledge and preparations for the types of emergency situations most common to that region.

Objective G6 (d): To track and document evidence of the external impact of NCD's emergency management work. NCD has also worked with FEMA staff, other

federal agency personnel and representatives of National Voluntary Organizations Active in Disasters regarding emergency preparedness planning and response. This includes the development of a functional needs support unit service model, National Disaster Housing Strategy annexes, and various short-term working initiatives of the Interagency Coordinating Committee on Emergency Preparedness for Individuals with Disabilities. NCD participates in those committee meetings.

NCD also developed a Web page that tracks follow-up activities and results for its 2009 publication [Effective Emergency Management: Making Improvements for Communities and People with Disabilities](http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement_HTML/EmergencyManagementReportinthePublicEye_withDisclaimer02-17-10.htm). The new In the Public Eye page can be found at http://www.ncd.gov/newsroom/publications/2009/NCD_EmergencyManagement_HTML/EmergencyManagementReportinthePublicEye_withDisclaimer02-17-10.htm. At this location you will find links to various NCD presentations, congressional testimony, news articles, etc.

Additional Detail about NCD Policy and Research Work

As a core activity, NCD informs Federal policy making and implementation and provides leadership in the disability policy arena by building on agency traditions of innovation, objectivity, independence, and transcendence of disciplinary boundaries to meet the changing needs of society.

Many NCD project and program activities reflect the expectation that the work it undertakes and supports will influence or have a positive impact on the policy process, and ultimately improve the quality of life and outcomes for Americans with disabilities. Within projects and programs, NCD members and staff promote various means of linking their activities to Federal Government policy and the work undertaken and supported is at times reported to have enhanced decision makers' awareness of policy options or to have been otherwise taken into account in policy processes.

Over the past year, NCD reviewed and evaluated key disability laws, programs and policies to assess their effectiveness. NCD has also extended its outreach through a public consultation and by receiving public comment at its quarterly board meetings. As a result of these various efforts and others, NCD has issued formal advice — e.g., through reports, policy papers, proceedings papers, and oral and written testimony — that was disseminated to decision makers in the White House and to Members of the U.S. Congress, key leaders in the Executive Branch of the Federal Government, people with disabilities, and various other stakeholders throughout the nation.

An ambitious schedule of policy and research projects is planned for FY 2010 in order to investigate issues or programs of importance to the disability community, as pointed out in public feedback to NCD throughout the past two years. In addition to preparing a new *Progress Report* for the President and Congress, NCD will complete the 10 policy

papers required for the National Summit on Disability Policy, which is scheduled for July 25-27, 2010, and research on emergency preparedness/homeland security as it impacts the disability community. NCD will also complete reports on the Developmental Disabilities Act; housing issues affecting people with disabilities; a report on the accessibility of U.S. funded overseas development work; and a technology report.

NCD is also scheduled to commission at least two new reports on:

- Healthcare — Access to Finances for Health Care
- Comprehensive Review of Mental Health Systems

During FY 2009 NCD had six operating or policy/program committees composed of Council members and supported by NCD staff. These committees provide guidance to contractors for all research and policy reports, provide an independent resource for investigating new issues or concerns brought to the Council by the public, and recommend subjects for additional study.

Financial Information

As an independent agency, NCD takes a unique approach to the responsibilities of management and the need for the Presidentially-appointed Council members to be knowledgeable about the routine activities of this small federal agency. Council members, led by the Chair, routinely discuss the management of the agency during daily telephone calls, monthly executive committee and finance committee teleconference meetings, and through reports and discussions at the quarterly meetings of the full Council. Work products related to the administration of the agency, including all reports to control agencies, are shared with the executive committee for their input and approval. The chair of the Council meets with the executive director on a face-to-face basis at least 10 times per year, exclusive of quarterly meetings of the full Council.

Fiscal activities of the agency are the responsibility of the Executive Director, and fall under the purview of the NCD Finance Committee that is composed of four Council members who are knowledgeable about government financial standards, record-keeping and transactions. NCD maintains a finance manual to govern all fiscal processes. The finance committee reviews the monthly reports from the contracted GSA financial officer, and the chair of that committee provides approval authority on all requests for funds over \$3,000 and reviews all potential purchases in advance. Processing financial invoices involves a three-part review by NCD staff and the final approval of the Executive Director prior to forwarding the invoices to the General Services Administration for two additional levels of review before payment.

The NCD Executive Director and Executive Committee members are responsible for establishing and maintaining a system of internal control. Pursuant to 31 U.S.C.

3512(c), (d) (commonly known as the Federal Managers' Financial Integrity Act), NCD's auditors have assessed the effectiveness of the agency's internal control procedures and have determined that NCD has achieved the following objectives:

- a. Reliability of financial reporting: Transactions are properly recorded, processed and summarized to permit the preparation of the financial statements in accordance with U.S. generally accepted accounting principles, and assets are safeguarded against loss from unauthorized acquisition, use or disposition.
- b. Compliance with applicable laws and regulations: Transactions are executed in accordance with laws governing the use of budget authority; other laws and regulations that could have a direct and material effect on the financial statements, and any other laws and regulations identified in OMB audit guidance.

Because NCD is dependent upon larger agencies to provide many of the support functions that are provided in-house by large agencies, it requires extreme vigilance to control costs and ensure that all needs and reporting requirements are being met. The General Services Administration provides fiscal management, accounting, payroll, human resources, legal and lease administration for NCD. The Department of Education provides a contracted ethics and conflict of interest attorney on an as-needed basis to educate members and staff about their responsibilities as federal employees. The Department of Homeland Security provides building security, and the Government Printing Office provides printing services and supports the agency Web site. These agencies and the services they provide consume about 10 percent of the agency budget, although it has proved more cost-effective than trying to employ internal staff to perform all of these functions for NCD.

Areas for Improvement

NCD has made continual improvements in its operations as part of an ongoing effort to maximize the effective use of the federal funds that are committed to NCD. As additional resources become available, the Council intends to expand the scope of future NCD reports to include some of the issues that are often overlooked but that impact smaller segments of the disability community.

Currently, NCD is producing the maximum number of reports and subsequent policy recommendations that the moderate agency funding level will allow. Consistent with the Council's commitment at the start of FY 2009 to undertake a new initiative to re-focus the process by which NCD gathers input from youth, culturally diverse populations and about international issues, NCD plans to expand outreach to stakeholders. Seeking out groups that are underserved, under represented, isolated geographically, culturally, or

who have less common types of disabilities for involvement in NCD studies often involve proportionately higher cost considerations.

Integrating Performance Results into Budget and Planning

All of the goals, objectives and accomplishments of NCD are directly related to the funding available to support agency operations. The Council has downsized staff and office space to allow more funding to be directed toward research and to support the involvement of Council members in agency activities, meetings and travel to important events. FY 2009 support for the attendance and participation of Council members at meeting and in activities—where NCD accomplishment and outreach occur—continued a practice of more inclusive public interaction by Council members that began in FY 2008. The Council strongly believed that face-to-face interactions with the broad community of disability stakeholders nationwide benefit the agency in two ways. First, it enables the agency to gather relevant information to inform and guide future reports and activities, and second, it provides a regional venue for disseminating NCD's work products as well as important news of interest to the disability community. Given the importance of these interactions during the 2008 and 2009 fiscal years, the NCD budget has funded an increased level of travel and salaries for the appointed member of the Council. Completing the background research is a critical factor in being able to provide guidance, to justify policy recommendations and to assure clarity for project implementation purposes. All NCD budget requests and narratives speak to this relationship.



NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

Federal Managers' Financial Integrity Act Signed Assurance Statement

March 23, 2010

The Honorable Peter Orszag, Director
Office of Management and Budget
Executive Office Building
17th Street and Pennsylvania Avenue, NW
Washington, DC 20503

Dear Mr. Orszag:

On the basis of the National Council on Disability's (NCD) management control process, I am pleased to certify with reasonable assurance that NCD's systems of accounting and internal controls are in compliance with the internal control objectives in OMB's Bulletin Number 01-02. I also believe these same systems of accounting and internal controls provide reasonable assurance that NCD is in compliance with the provisions of the Federal Managers' Financial Integrity Act.

The Federal Managers' Financial Integrity Act requires agencies to provide an annual statement of assurance regarding management controls and financial systems. NCD is pleased to report continued progress in strengthening management controls. The continuous improvement of program and operational management process is ongoing. Agency financial management controls and systems, taken as a whole, provide reasonable assurance that accounting systems comply with appropriate federal requirements. This conclusion is based on the review and consideration of internal analyses, reconciliations, reports, and other information.

In addition, we are delighted to report that our FY 2009 audit found: NCD's financial statements were presented fairly, in all material aspects, in conformity with U.S. generally accepted accounting principles; NCD had no material weaknesses in internal control over financial reporting and compliance; and no reportable noncompliance with law and regulations inconsistencies with its financial statements.

If there are any questions or additional information is needed, please contact the NCD office at 202-272-2004.

Sincerely,

A handwritten signature in cursive script that reads "Linda Wetters". The ink is dark and the signature is fluid.

Linda Wetters
Chairperson

Conclusion

In conclusion, NCD continues to be a leader in the development and analysis of disability policy. The use of the *Annual Performance Report to the President and Congress Fiscal Year 2009*, as required by the Government Performance and Results Act, has greatly assisted NCD in carrying out its mission. The findings of this report clearly indicate that NCD has either met or exceeded the projected levels in its performance plan.